

RECEIVED

MAY 05 2004

NOTICE

040073

To Whom It May Concern:

I, Benjamin James Colvin Vice President of Colvin Cattle Co., Inc., am informing all interested parties that Colvin Cattle Co., Inc. is reserving all of its rights at all times and does not relinquish any rights at any time to any proposed right of way across its land or otherwise.

I am informing the Department of Energy and all other parties that the proposed railroad to Yucca Mountain may violate the property rights owned by Colvin Cattle Co., Inc.

The proposed railroad crosses fee lands owned by Colvin Cattle Co., Inc and will adversely affect the fee lands, water rights and other rights owned by Colvin Cattle Co., Inc.

I am also informing all parties that the property rights in question are being adjudicated in the United States Court of Federal Claims case Number 03-1942L. This issue must be resolved in this court of law before any grant of a right of way can be granted by Colvin Cattle Co., Inc.

The Proposed Railroad right of way will adversely affect the current use of water rights, fee lands, and other rights owned by Colvin Cattle Co., Inc and will also affect the future alternative use of water rights, fee lands and other rights owned by Colvin Cattle Co., Inc.

Any further actions taken by the Department of Energy, or any other government agencies or any other party must be noticed to Colvin Cattle Co., Inc., and the firm of McQuaid, Metzler, Bedford & Van Zandt LLP.

Colvin Cattle Co., Inc.
Benjamin James Colvin

Phone # on opposite side

McQuaid, Metzler, Bedford & Van Zandt LLP.
Michael J Van Zandt

Date 5/04/04

Signature

Benjamin James Colvin
Benjamin James Colvin